

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CURTIS EVANS GASTON, JR., PRO SE,	§
TDCJ-CID No. 403441,	§
Plaintiff,	§
V.	§ 2:04-CV-0267
NFN DANIELS, NFN NOBLE,	§
NFN COPELAND, GARY JOHNSON, and	§
OFFICER C. BELL,	§
Defendants.	§

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff CURTIS EVANS GASTON, JR., proceeding *pro se* and while a prisoner incarcerated at the Pampa Intermediate Sanction Facility, has filed suit pursuant to Title 42, United States Code, Section 1983 complaining against the above-named defendants.

On April 13, 2005, the Court issued a Notice of Deficiency Order giving plaintiff thirty days to cure various deficiencies by submission of an I.F.P. Data Sheet and a completed Application to Proceed In Forma Pauperis.

The response period has expired, and no response has been made by plaintiff. Instead, plaintiff's copy of the Notice of Deficiency was returned to the Court undelivered and bearing the notation, "Return to Sender, Inactive." It appears plaintiff has abandoned his suit and his claims for relief.

It is the conclusion of the United States District Judge that plaintiff has abandoned this cause and such cause should be dismissed for failure to prosecute. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962) (court possesses

inherent power to dismiss sua sponte for lack of prosecution).

IT IS THEREFORE ORDERED:

The referral of the instant cause to the United States Magistrate Judge is hereby withdrawn.

This Civil Rights Complaint is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff and to any attorney of record by first class mail.

IT IS SO ORDERED.

ENTERED this 23rd day of May, 2005.

/s/ Mary Lou Robinson
MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE